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5 Attorney for Plaintiff  
United States of America

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

11 || UNITED STATES OF AMERICA,

Case No. C11-04167 DMR

12 Plaintiff,

13

**ROY P. CHRISTIAN  
aka ROY PAUL CHRISTIAN, DDS.,**

# **WRIT OF CONTINUING GARNISHMENT**

Defendant,

**CIGNA DENTAL HEALTH  
OF CALIFORNIA, INC.**

Garnishee.

20 TO: CIGNA DENTAL HEALTH OF CALIFORNIA, INC.  
21 CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

23 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF  
24 THE UNITED STATES OF AMERICA ANY PROPERTY, INCLUDING **DENTAL**  
25 **INSURANCE PAYMENTS**, IN YOUR CUSTODY, CONTROL, OR POSSESSION IN  
26 WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS AN OWNERSHIP  
27 INTEREST

28 The name, SSN XXX-XX-5491, and last known address of the person who is

1 the defendant-judgment debtor (hereinafter "debtor") in this action and whose property  
2 is subject to this Writ are as follows:

3 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.  
4 112 Amber Oak Court  
5 Los Gatos, CA 95032

6 and

7 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS  
8 20480 Blauer Drive, Suite B  
9 Saratoga, CA 95070

10 This Writ has been issued at the request of the United States of America to  
11 enforce the collection of a civil judgment entered in favor of the United States against  
12 the debtor for a defaulted student loan in the amount of \$75,588.41. There is a  
13 balance of \$68,346.63 due on the judgment, which amount includes costs and interest  
14 computed through April 11, 2019; interest continues to accrue until paid in full.

15 The following are the steps that you must take to comply with this Writ. If you  
16 have any questions, you should consult with your attorney.

17 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,  
18 or possession any property of the debtor, including **dental insurance payments**, in  
19 which the debtor has a substantial nonexempt interest, or if you obtain custody,  
20 control, or possession of such property while this Writ is in effect, you must  
21 immediately withhold such property from the debtor and retain it in your possession  
22 until you receive instructions from the Court which will tell you what to do with the  
23 property. The United States has requested that the sum of all dental insurance  
24 payments, be withheld from the defendant to be paid to the United States.

25 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ  
26 within 10 days after service of this Writ upon you. You must answer the Writ even if  
27 you do not have in your custody, control, or possession any property, including Dental  
28 Insurance Payments, of the debtor. Pursuant to 28 U.S.C. § 3205(c)(4), your answer  
must state, under oath, the following information:

- 1           a. Whether or not you have in your custody, control, or possession, any  
2           property owned by the debtor in which the debtor has a substantial  
3           nonexempt interest, including nonexempt Dental Insurance Payments;  
4           b. a description of such property and the value of such property;  
5           c. a description of any previous garnishments to which such property is  
6           subject and the extent to which any remaining property is not exempt;  
7           and  
8           d. the amount of the funds you anticipate owing to the debtor in the future  
9           and whether the period for payment will be weekly or another specified  
10          period.

11         For your convenience, a form which addresses the above-requested information is  
12         attached and may be used to Answer the Writ.

13           3. After you complete the answer under oath, pursuant to 28 U.S.C. §  
14           3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you  
15         must mail or deliver the original Answer bearing the original signature of the person  
16         preparing the answer to the Court at the following address:

17                   Civil Clerk, United States District Court  
18                   450 Golden Gate Avenue, 16th Floor  
19                   San Francisco, CA 94102

20         At the same time that you mail or deliver the original answer to the Court, you must  
21         also mail or deliver a copy of the original Answer to both the debtor and attorney for  
22         the United States at the following respective addresses:

23           ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.  
24           112 Amber Oak Court  
25           Los Gatos, CA 95032

26           ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS  
27           20480 Blauer Drive, Suite B  
28           Saratoga, CA 95070

29           Michael Cosentino, Counsel for the United States  
30           P.O. Box 129  
31           Alameda, CA 94501

32         Please note that the attached form Answer contains a certificate of service which

1 needs to be completed by the person mailing the copies of the answer to the debtor  
2 and the attorney for the United States, and which needs to be filed along with the  
3 Answer.

4           **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY**  
5           **IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE**  
6           **COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO**  
7           **ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH**  
8           **THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO**  
9           **APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY**  
10          **WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR**  
11          **THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY**  
12          **(INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO**  
13          **AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND**  
14          **AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED**  
15          **HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO**  
16          **APPEAR.**

17           SUSAN Y. SOONG, Clerk  
18           United States District Court  
19           for the Northern District of California

20          Dated: 4/18/2019

21          By:   
22           Deputy Clerk

23           Mark Romyn



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) Case No. C11-04167 DMR  
13 v. )  
14 ROY P. CHRISTIAN )  
aka ROY PAUL CHRISTIAN, DDS., )  
15 Defendant, )  
16 and )  
17 CIGNA DENTAL HEALTH )  
18 OF CALIFORNIA, INC. )  
19 Garnishee. )

ANSWER OF GARNISHEE

20 I, \_\_\_\_\_, being first duly sworn, hereby state the following:

21       1. I am the \_\_\_\_\_ (Official Title) of the Garnishee  
22 named in the above caption. I am authorized to prepare this Answer on behalf of the  
23 Garnishee.

26       3. The Garnishee currently has custody, control, or possession of Dental  
27 Insurance Payments payable to the Defendant. Yes                  No

28 | 4. The Garnishee expects to obtain custody, control, or possession of Dental

1 Insurance Payments payable to the Defendant in the foreseeable future. Yes \_\_\_\_\_

2 No \_\_\_\_\_

3 5. N/A

4 6. Are there any other garnishments currently in effect? Yes \_\_\_\_\_ No \_\_\_\_\_

5 If the answers is yes, describe below and attach to this Answer a copy of each  
6 garnishment:

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 7. Will the Garnishee owe the Defendant Dental Insurance Payments in the  
11 foreseeable future?

12 Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, provide the reason why such money will be  
13 owed, the amount of money that will be owed, and the date or dates on which each  
14 payment will be due:

Type of <u>Payment</u>	<u>Amount</u>	Date Payment <u>Will be Due</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

20 8. N/A

21 9. N/A

22 10. Does the Garnishee have any objections or defenses to the Writ of  
23 Continuing Garnishment? Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, list the nature  
24 and basis of each objection and/or defense:

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

1 On behalf of CIGNA DENTAL HEALTH OF CALIFORNIA, INC., I hereby certify  
2 under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct.

4 | Dated: \_\_\_\_\_ By: \_\_\_\_\_

5

(Sign above the line and type or print name below)

7

8 | Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

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## CERTIFICATE OF SERVICE

I, \_\_\_\_\_, declare:

That I am a citizen of the United States and employed in the County of

\_\_\_\_\_, California; that my business address is

\_\_\_\_\_ ; that I am

over the age of eighteen years; and that I am not a party to the above-entitled action;

That on \_\_\_\_\_ (date), I deposited in the United States mail, in

envelopes bearing the requisite postage, a copy of the attached

## **ANSWER OF GARNISHEE**

10 addressed to each of the following, at their last known addresses, at which place there  
11 is service by United States mail.

12 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.  
112 Amber Oak Court  
13 Los Gatos, CA 95032

14 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS  
20480 Blauer Drive, Suite B  
15 Saratoga, CA 95070

16 Michael Cosentino  
Counsel for the United States  
17 P.O. Box 129  
Alameda, CA 94501

19 I have caused, or will cause, the original of the ANSWER OF GARNISHEE to be  
20 filed in the United States District Court pursuant to the instruction for same in  
21 paragraph # 3 of the Writ.

22 This Certificate was executed on \_\_\_\_\_ (date),

23 || at (city), (state).

24 I certify under penalty of perjury that the foregoing is true and correct.

(sign above the line and type or print name below)